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EXTRAORDINARY

PART II—Section 2

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## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 3rd December, 1954:—

### BILL No. XIX OF 1954

*A Bill further to amend the Representation of the People Act, 1951.*

BE it enacted by Parliament in the Fifth year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Representation of the People (Amendment) Act, 1954.

**2. Amendment of section 77, Act XLIII of 1951.**—In section 77 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), the words “and the numbers” shall be deleted.

**3. Insertion of new section 140A in Act XLIII of 1951.**—After section 140 of the principal Act, the following section shall be inserted, namely:—

“140A. *Removal of disqualifications.*—Any disqualification under this Chapter may be removed by the Election Commission for reasons to be recorded by it in writing.”

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## STATEMENT OF OBJECTS AND REASONS

Administration of the Representation of the People Act, 1951 (XLIII of 1951), has brought to light some lacunae in the Act.

The first is about the number of persons who can be employed for payment by a candidate in connection with an election. Difficulties have arisen in interpreting section 77 of the Act and Rule 118 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, and Schedule VI hereto made under the Act. There is a large amount of agreement that a literal interpretation of these provisions will lead to absurdity. Our Act has mostly drawn upon the U.K. Corrupt and Illegal Practices Prevention Act, 1883. But in England the Representation of the People Act, 1949, has miti-

gated the rigour of the law under the Act of 1883. Now in England the limit is fixed on the total amount of expenditure, and employment of paid canvassers is prohibited. Besides these, the restrictions on the number and capacities of persons that may be lawfully employed have all been lifted. A simple rule as the one now obtains in England should be adopted to avoid all complications.

The second relates to the removal of disqualification from standing at an election. Already the Election Commission has been given the power to remove disqualifications from voting. There are and, may be in future, genuinely hard cases where the removal of disqualifications from standing at an election is desirable in public interest. About the integrity of the Election Commission there is unanimity of opinion in the country and it may very well be entrusted with the power to remove such disqualifications in proper cases.

P. S. RAJAGOPAL NAIDU.

#### BILL NO. XXI OF 1954

*A Bill further to amend the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951.*

Enacted by Parliament in the Fifth Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Second Amendment Act, 1954.

**2. Amendment of Schedule, Act LXXI of 1951.**—In the Schedule to the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951,—

(1) In Part I,—

(A) in Item I, for the words and letters 'Part A States and Part B States' the words and letters 'Part A States, Part B States and Part C States' shall be substituted;

(B) in Item II,—

(i) for the words and letters 'Part A States and Part B States', the words and letters 'Part A States, Part B States and Part C States' shall be substituted;

(ii) in the Table appended to that item,—

(a) under the heading 'Rajasthan State', for the sub-heading 'District Udaipur—contd.' the sub-heading 'District Udaipur' shall be substituted;

(b) entries 75, 76 and 77 under the said sub-heading as so amended shall be renumbered as entries 76, 77 and 75 respectively and entry 75 as so renumbered shall be transferred after entry 74 under that sub-heading;

(c) after entry 75 as so renumbered and transferred, the sub-heading 'District Bhilwada' shall be inserted;

(d) after entry 77 as so renumbered, under the new sub-heading 'District Bhilwada', the following entries shall be inserted, namely:—

- |   |           |          |
|---|-----------|----------|
| “78. Parsvanath Jain Temple (Panchayatan)                 | . . . . . | Bijolia  |
| 79. Badoli Temples and ruins near about                   | . . . . . | Badoli   |
| 80. Menal (Mahanal) temple, the Math and the ancient well | . . . . . | Menal    |
| 81. Suhaveshwar temple and the palace of Rani Suhavadevi  | . . . . . | Menal.”; |

(e) after entry 8, under the heading 'Travancore-Cochin State', the following shall be added, namely:—

#### “PART C STATES

##### HIMACHAL PRADESH

###### *District Mandi*

- |                          |           |       |
|--------------------------|-----------|-------|
| 1. Temple of Tirlokinath | . . . . . | Mandi |
| 2. Panchvakta Temple     | . . . . . | Do.   |
| 3. Barsela monuments     | . . . . . | Do.   |

###### *District Chamba*

- |  |           |                    |
|--|-----------|--------------------|
| 4. Shri Lakshmi Narayan group of temples, Muhalla Hattnala | . . . . . | Chamba             |
| 5. Shri Bansi Gopal Temple                                 | . . . . . | Do.                |
| 6. Shri Hari Rai Temple                                    | . . . . . | Do.                |
| 7. Shri Sita Ram Temple, Muhalla Bangotu                   | . . . . . | Do.                |
| 8. Shri Bajreshwari Temple, Bherdiath                      | . . . . . | Do.                |
| 9. Shri Chamunda Devi Temple                               | . . . . . | Do.                |
| 10. Rock sculpture depicting Sita, Ram, Hanuman, etc.      | . . . . . | Sarotha (Panjila)  |
| 11. Shri Shakti Devi Temple                                | . . . . . | Chhatravli (Piura) |
| 12. Laxmi (Lakhan) Devi Temple                             | . . . . . | Bharmaur           |
| 13. Mani Mahesh Temple                                     | . . . . . | Do.                |
| 14. Narsingh Temple  | . . . . . | Do.                |
| 15. Ganesh Temple  | . . . . . | Do.                |

##### VINDHYA PRADESH

###### *District Chhatarpur*

- |   |                               |           |
|---|-------------------------------|-----------|
| 1. Khajuraho Temples—three groups of temples numbering 24 of the 10th century | . . . . .                     | Khajuraho |
| <i>Western Group :</i>  |                               |           |
| (1) Chausath Jogini Temple  | (5) Devijagdambi Temple       |           |
| (2) Lalguan Mahadeva  | (6) Chitragupta or Bharatji's |           |
| (3) Kandariya Temple  | (7) Chopra or Square Tank     |           |
| (4) Mahadeva Temple   | Temple                        |           |

- |                       |                          |
|-----------------------|--------------------------|
| (8) Vishvanath Temple | (11) Lakshman Temple     |
| (9) Nandi Temple      | (12) Matangesvara Temple |
| (10) Parvati Temple   | (13) Varaha Temple       |

*Eastern Group :*

- |                                     |                        |
|-------------------------------------|------------------------|
| (1) Colossal Statue of Shri Hanuman | (5) Javari Temple      |
| (2) Brahma Temple                   | (6) Ghautai Temple     |
| (3) Vaman Temple                    | (7) Adinath Temple     |
| (4) Kakra Marh                      | (8) Parsvanatha Temple |
|                                     | (9) Santinath Temple   |

*Southern Group :*

- |                    |                                   |
|--------------------|-----------------------------------|
| (1) Duladeo Temple | (2) Jatakari or Chaturbhuj Temple |
|--------------------|-----------------------------------|

*District Panna*

- |   |       |          |
|---|-------|----------|
| 2. Ajaigarh Fort and its remains        | . . . | Ajaigarh |
| 3. Two temples ascribed to Gupta period | . . . | Ajaigarh |
| 4. Nachna Kuthara Parvati Temple        | . . . | Nachna   |

*District Satna*

- |  |       |          |
|--|-------|----------|
| 5. Inscription in the fort of Bachhaun | . . . | Bachhaun |
|--|-------|----------|

*District Sidhi*

- |                         |       |          |
|-------------------------|-------|----------|
| 6. Temple and Monastery | . . . | Chaudreh |
|-------------------------|-------|----------|

*District Shahdol*

- |   |           |            |
|---|-----------|------------|
| 7. Karan Temple                                   | . . . . . | Amarkantak |
| 8. Shiva Temple                                   | . . . . . | Do.        |
| 9. Temple of Patalesvara                          | . . . . . | Do.        |
| 10. Caves bearing inscription of 1st Century A.D. |           | Silahra    |
| 11. Virath Temple and remains                     | . . . . . | Sohagpur   |

*District Rewa*

- |                          |           |          |
|--------------------------|-----------|----------|
| 12. Fresco Paintings     | . . . . . | Gahira   |
| 13. Inscriptions         | . . . . . | Mehaghat |
| 14. Inscriptions in cave | . . . . . | Keoti    |

*District Datia*

- |                      |           |       |
|----------------------|-----------|-------|
| 15. Bir Singh Palace | . . . . . | Datia |
|----------------------|-----------|-------|

## TRIPURA

- |                                 |           |                           |
|---------------------------------|-----------|---------------------------|
| 1. Temple of Chaturdasha Devata | . . . . . | Radhakishorepur (Udaipur) |
| 2. Bhuvaneshwari Temple         | . . . . . | Rajnagar (Udaipur)        |

## MANIPUR

- |                     |           |                      |
|---------------------|-----------|----------------------|
| 1. Temple of Vishnu | . . . . . | Bishenpur (Imphal)." |
|---------------------|-----------|----------------------|

(2) In Part II,—

(A) in item I, for the words and letters 'Part A States and Part B States', the words and letters 'Part A States, Part B States and Part C States' shall be substituted;

(B) in item II,—

(i) for the words and letters 'Part A States and Part B States', the words and letters 'Part A States, Part B States and Part C States' shall be substituted;

(ii) in the Table appended to that item,—

(a) entry 40 under the heading 'Rajasthan State' shall be omitted;

(b) after entry 7 under the heading "Travancore-Cochin State", the following shall be added, namely:—

"PART C STATES

VINDHYA PRADESH

*District Rewa*

1. Gurgi and Rehunts remains . . . . . Gurgi

*District Satna*

2. Bharhut remains . . . . . Bharhut

3. Bhumra remains . . . . . Bhumra."

STATEMENT OF OBJECTS AND REASONS

The Ancient and Historical Monuments and Archæological Sites and Remains (Declaration of National Importance) Act, 1951 was passed by Parliament in 1951, and all the ancient and historical monuments and archæological sites and remains referred to or specified in the Schedule to that Act were declared to be of national importance. Further additions to the Schedule to the Act of 1951 were made by the Amending Act of 1953 (3 of 1954). It has since been found that certain additions and alterations therein are necessary to bring the Act up-to-date. Moreover, the ancient and historical monuments as well as archæological sites and remains in Part C States have so far not been included in the Schedule to the Act of 1951. With the passing of the Government of Part C States Act, 1951, the State Governments of all the Part C States, having their own State Legislatures and Councils of Ministers, enjoy practically the same authority and powers to legislate as those of Part A and B States in respect of "archæological sites and remains other than those declared by Parliament by law to be of national importance" (Item No. 40, List III, Seventh Schedule). Therefore, it is very necessary that all the Ancient and Historical Monuments and Archæological Sites and Remains in Part C States, which have been duly notified as protected under the Ancient Monuments Preservation Act, 1904, should be duly declared to be of national importance as well. The proposed Bill seeks to achieve this purpose.

RAGHUBIR SINH.

October 30, 1954.

## BILL No. XVI OF 1954

*A Bill to provide for the better control and supervision of orphanages and widows' homes in India.*

WHEREAS it is expedient to provide for the better control and supervision of orphanages and widows' homes in India:

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Orphanages and Widows' Homes Act, 1954.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date and in such areas as the State Governments may, by notification in their respective official gazettes, appoint, and different dates may be appointed for different areas.

**2. Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) "Board" means the Board of Control as provided in section 11;

(b) "Chairman" means Chairman of the Board of Control as provided in section 13;

(c) "Executive Officer" means an officer as provided in section 15;

(d) "managing committee" or "committee of management" means the committee of management constituted or deemed to be constituted under section 10;

(e) "orphan" means a boy or girl, under eighteen years of age, who had lost his or her parents or has been abandoned or is not claimed by his or her parents or guardian or is voluntarily surrendered by his or her parents or guardians on account of their inability to bring up the child;

(f) "orphanage" means an institution by whatever name it may be called, where orphans are kept or intended to be kept for care and education;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "recognised" means recognised by a State Government by giving a certificate of authority to an orphanage or a widows' home to function as such under the provisions of this Act;

(i) "registered member" means a member of an orphanage or a widows' home whose name occurs in the roll of the subscribers' register maintained by the managing committee and who pays a prescribed annual subscription to enable himself or herself to vote in the matter of management of the orphanage or widows' home under the rules framed by each

orphanage or widows' home and election of the managing committee;

NOTE.—The registered member may be a "life member" or an "ordinary member" or a "patron" as the rules of a particular orphanage or widows' home may provide on payment of membership fee fixed for such classes of memberships;

(j) "trust" and "trustee" shall have the same meanings as are assigned to them, respectively, under the Indian Trusts Act, 1882 (II of 1882); and

(k) "widows' home" means an institution, by whatever name it may be called, where widows or females of any age are kept or are intended to be kept for care.

**3. Recognition, maintenance and classification of an orphanage or a widows' home.**—(1) There shall be maintained and recognised in every district town of a State at least one orphanage and one widows' home of any one of the categories provided in sub-section (3).

(2) No orphanage or widows' home shall be recognised which does not conform to the conditions laid down in this Act:

Provided that the managing committee of any orphanage or widows' home functioning at the time of the commencement of this Act shall be allowed a period of six months from the date of commencement to obtain such recognition.

(3) There shall be the following categories of orphanages and widows' homes: (i) State-managed, (ii) State-aided and (iii) private.

*Explanation.*—(i) The State-managed orphanage or State-managed widows' home will be that which will be solely financed by the State; (ii) the State-aided orphanage or State-aided widows' home will be that which will be partially financed by the State; (iii) private orphanage or private widows' home will be that which will be solely financed by funds provided by public subscriptions or under any trust by private individual or by any charitable or missionary body.

**4. Religious orphanage or widows' home.**—The orphanages or widows' homes under category (iii) mentioned in sub-section (3) of section 3 may impart religious instruction of any particular denomination but shall not be entitled to any State-aid.

**5. Moral instructions.**—The orphanages and widows' homes under categories (i) and (ii) mentioned in sub-section (3) of section 3 may impart moral lessons culled from all the important religious precepts of the world on the model of Mahatma Gandhi's prayer.

**6. Grant of recognition.**—Subject to the provisions of this Act and the rules made thereunder, the Board may, on receipt of an application from any orphanage or widows' home in the prescribed form containing the prescribed particulars, grant to such orphanage or widows' home recognition in the prescribed form for opening and maintaining or, as the case may be, for maintaining an orphanage or widows' home on such conditions as may be specified in the letter of recognition.

**7. Withdrawal of recognition.**—The Board may, at any time by an order served on the managing committee, withdraw recognition with effect from a date specified in the notice, if—

(i) there is contravention of any provisions of this Act or of any rules made thereunder or of any condition subject to which the recognition was granted or renewed; or.

(ii) in the opinion of the Board, the condition, management or superintendence of the orphanage or widows' home was not satisfactory;

and the orphanage or widows' home shall cease to function from the date specified in the order.

**8. Notice by managing committee for closing of orphanages and widows' homes.**—(1) A managing committee of an orphanage or a widows' home may give six months' notice to the Board of Control of its intention to close the orphanage or widows' home in respect of which recognition has been granted and unless such notice is subsequently withdrawn by the managing committee, the Chairman, on a resolution of the Board, shall withdraw recognition on the expiry of six months from the date of the notice whereupon the orphanage or widows' home shall cease to function.

(2) No persons shall be received into such orphanage or widows' home after the date of the notice referred to in sub-section (1) and, if such notice is subsequently withdrawn, before the date of the withdrawal of such notice.

**9. Orders regarding custody of inmates on withdrawal of recognition.**—While passing any order for withdrawal of recognition under sections 7 and 8, the Chairman may pass such orders as he thinks fit for the proper custody, including lodging and boarding, of the inmates of the orphanage or widows' home concerned or for the transfer of such inmates to any other orphanage or widows' home in consultation with the committee of management of that orphanage or widows' home.

**10. Managing committee.**—(1) For the control and management of every orphanage or widows' home, there shall be constituted a managing committee elected by the registered members.

Provided that, in case there is a committee of management, by whatever name it may be called, for an orphanage or a widows' home at the date of the commencement of this Act, such committee of management shall be deemed to be the committee of management for such orphanage or widows' home for a period of one year from such date and before the expiry of that period a new committee of management shall be constituted under this section for such orphanage or widows' home.

Provided further that in case an orphanage or a widows' home has been established under a trust and the administration of the trust is vested in the trustees or any committee or association appointed by the founder of the trust or by a competent court or under authority of any law for the time being in force, the trustees or such committee or association, as the case may be, shall be deemed



to be the committee of management for such orphanage or widows' home:

Provided also that where the maintenance of the orphanage or widows' home is only one of the objects of the trust and the trustees, committee or association, as the case may be, have to manage also the affairs relating to the other objects of the trust, a separate committee of management shall be constituted under this section within a period of one year from the commencement of this Act for the control and management of such orphanage or widows' home.

(2) The composition of the committee of management elected under sub-section (1) and the term of office of members thereof shall be such as may be prescribed subject, in the case of an orphanage or a widows' home established by a trust, to the terms of the trust, but not contrary to the provisions of this Act.

(3) All the powers of management of an orphanage or a widows' home shall be vested in the managing committee subject to the provisions of this Act.

**11. Board of Control.**—There shall be a Board of Control for the maintenance and supervision of orphanages and widows' homes in every State with its head office at the capital of the State.

**12. Constitution of the Board of Control.**—The Board of Control shall consist of one representative from each of the district orphanages and widows' homes from within the State existing at the time of the constitution of the first Board and thereafter as prescribed.

**13. Chairman of the Board.**—There shall be a Chairman of the Board of Control elected by the members of the Board subject to the approval of the State Government.

**14. Salary of the Chairman.**—The Chairman of the Board shall be paid a monthly remuneration to be fixed by the State Government besides travelling and other admissible allowances.

**15. Executive Officer.**—There shall be under the Chairman a paid Executive Officer whose salary shall be fixed by the Board and who will act as Chief Inspector also for the orphanages and widows' homes throughout the State or whose recommendation the Chairman, subject to the approval of the Board, will grant recognition to an orphanage or a widows' home as laid down under sections 3 and 6.

**16. Function of the Board.**—(1) It will be the duty of the Board to afford protection to the orphans and widows and to that end bear all responsibility for the opening, maintenance, supervision and control of all orphanages and widows' homes throughout the State.

(2) The Board of Control may appoint as many Inspectors as necessary for the periodical inspection and guidance of the orphanages and widows' homes.

**17. Managing committee to arrange for training, etc., of inmates.**—Every orphanage or widows' home shall make suitable arrangements for the lodging, clothing, feeding, training and education of the inmates thereof until they are rehabilitated, or in the case of an orphanage, an inmate attains the age of 18 years.

**18. Transfer of inmates.**—The Chairman on the report of the Chief Inspector may, after taking into consideration the accommodation available for the purpose in any orphanage and widows' home, assign an orphan, or a widow or a female of any age, to any other orphanage or widows' home, as the case may be, or transfer an inmate of one orphanage or widows' home to another orphanage or widows' home.

**19. Discharge of inmates.**—If, at any time, the committee of management is satisfied that an inmate of an orphanage or a widows' home has become fit to earn his or her living or is otherwise fit to be discharged from the orphanage or widows' home, it may discharge such inmate:

Provided that no female inmate of any orphanage or widows' home shall be discharged or given in marriage or entrusted to the charge of any person who claims himself or herself to be her guardian, unless such female inmate has made a declaration before a Magistrate that she consents to such discharge, marriage or entrustment:

Provided further that in the case of a female inmate who is a minor, the prior approval of the District Magistrate or when the District Magistrate is not available, the Sub-Divisional Magistrate, shall, in addition to such declaration, be necessary for such discharge, marriage or entrustment.

**20. Report regarding death of inmate or change in administrative personnel.**—Within a fortnight of the occurrence of the death of any inmate or change in the personnel in immediate charge of the administration of any orphanage or widows' home, the committee of management shall give written notice thereof to the Chairman provided that the incident of a sudden death shall be reported immediately.

**21. Inspection of orphanages and widows' homes.**—(1) Every orphanage or widows' home in respect of which a recognition has been granted under section 6 shall, besides the routine inspection by the Chief Inspector at the interval of every six months, be inspected by the District Magistrate or any other officer of the State Government of gazetted rank, other than a police officer, authorised in writing in this behalf by the Chairman, and the committee of management and all other persons in charge thereof shall be bound to afford every facility to the officer so authorised in carrying out the inspection. Such inspection shall relate to matters affecting the proper management of the orphanage or widows' home, including accounts, and a copy of the inspection report shall be forwarded by the inspecting officer to the Chairman for such action as the Board may think fit:

Provided that the District Magistrate or any other Magistrate authorised by him in this behalf shall have the right to enter and inspect any orphanage or widows' home at any time of the day or night, if he has reasons to believe that any cognizable offence is committed or is likely to be committed and the committee of management and all other persons in charge thereof shall not refuse such entry or inspection.

(2) The Board of Control shall appoint for each orphanage or widows' home, a panel of visitors consisting of such number of persons as may be prescribed, of whom at least one shall be a woman, which shall have the power to inspect the orphanage or widows' home on such dates and at such hours as may be fixed by the Chairman and the committee of management and all other persons in charge thereof shall be bound to afford every facility to the visitors in carrying out the inspection including examination of any document, register or other paper relating to such orphanage or widows' home in the possession of the committee of management or any other person in charge thereof at the time. A copy of the inspection report shall be duly forwarded to the Chairman within a fortnight of the date of such inspection for such action as the Board of Control may think fit:

Provided that such inspection may be carried out by any individual member of the Board if he is authorised by the Board to do so.

**22. Appeals.**—Any person aggrieved by an order of refusal to grant recognition under section 6 or by an order of cancellation, recognition or prohibition of admission under sections 7 and 8 may, within thirty days after the date of such order and on payment of the prescribed fees, appeal to the State Government whose decision shall be final.

**23. Penalty.**—(1) Whoever contravenes any of the provisions of this Act or the rules made thereunder, other than a contravention of the provision of section 19 shall be punished with fine which may extend to five hundred rupees in the case of a first offence, and with imprisonment for a period not exceeding six months in the case of a second or subsequent offence.

(2) Whoever contravenes any provision of section 19 shall, on conviction, be punished with imprisonment for a term not exceeding one year:

Provided that in case of marriage, if any sum of money or valuable consideration is taken in view of giving away an orphan girl or a woman, the term of imprisonment may extend to 5 years with a fine double of the amount received as the consideration money or gift.

**24. Prosecutions.**—No prosecution under this Act shall be instituted except with the previous sanction of the State Government obtained by the Board of Control:

Provided that no prosecution shall be instituted in case a boy or a girl orphan or a widow runs away stealthily from an orphanage or a widows' home. But in such cases the secretary or whoever is in charge of an orphanage or widows' home must lodge the information with the nearest police station and immediately take steps to inform the Chairman.

**25. Power to make rules.**—(1) The Board of Control with the approval of the State Government, may, after previous publication, make rules, not inconsistent with the provisions of this Act, for carrying out the purposes of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which a six-monthly return shall be submitted to the Board of Control by the managing committee of an orphanage or a widows' home;

(b) the form in which an application for recognition may be made and the particulars to be contained in such application;

(c) the form of recognition and the conditions to be specified therein;

(d) the term of office of the members of managing committee;

(e) the powers and functions of the managing committee;

(f) the number of members of the panel of visitors of an orphanage or a widows' home;

(g) the conduct of business of the committee of management;

(h) the manner in which the accounts of an orphanage or a widows' home shall be maintained and audited;

(i) the constitution of a reserve fund for an orphanage or a widows' home or the operation of the Savings Bank Account;

(j) the maintenance of registers and statements by the managing committee and the forms of such registers and statements;

(k) the manner in which inquiries shall be made under this Act by the Board;

(l) the authority to whom appeals shall be preferred and the procedure to be followed in such appeals; and

(m) any other matter that may be, or is required to be, prescribed.

**26. Power of managing committee to prescribe standards of sanitation, etc., for orphanages and widows' homes.**—Notwithstanding anything contained in this Act, a managing committee may frame rules and bye-laws prescribing standards of sanitation, health and hygiene for orphanages or widows' homes provided that such rules and bye-laws are not inconsistent with the provisions of this Act.

### STATEMENT OF OBJECTS AND REASONS

There are hundreds of orphanages and widows' homes in the country the pitiable conditions of which have not so far received adequate consideration.

It need not be explained that orphanages and widows' homes are very necessary for the society for diverse reasons. Besides giving protection to the unprotected and unhappy members of the society and affording an outlet for laudable charity for charitably

minded persons of the society, these institutions, if run on proper lines, can help the building of the nation.

This Bill takes into account the above considerations and provides for the running of orphanages and widows' homes on proper lines.

One distinguishing feature of this Bill is that while under this Bill care has been taken to provide against the commission of any offence, the humanitarian ideas underlying the establishment of these institutions have been kept prominently in view so that these institutions can function as normal charitable institutions without any interference by the State in their day to day activities.

KAILASH BIHARI LALL.

NEW DELHI;

The 31st August 1954.

### BILL No. XX OF 1954

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Constitution (Fourth Amendment) Act, 1954.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Insertion of new article 329A in the Constitution.**—After article 329 of the Constitution, the following article shall be inserted, namely:—

“329A. Notwithstanding anything in the Constitution, all members directly elected to Parliament or to the Legislature of a State by the voters of their respective territorial constituencies shall be subject to recall by the voters concerned at any time in accordance with the procedure prescribed by law.”

### STATEMENT OF OBJECTS AND REASONS

The progressive Constitutions of the world today contain provisions for recall of the members of the Legislature by those who elected them. The Constitution of India does not contain any such provision. The Bill is intended to fill this lacuna.

SATYAPRIYA BANERJEE.

NEW DELHI;

The 29th October, 1954.

S. N. MUKERJEE,  
Secretary.

